

AMENDED IN ASSEMBLY JUNE 21, 2001

AMENDED IN SENATE MAY 9, 2001

AMENDED IN SENATE MAY 2, 2001

AMENDED IN SENATE MARCH 27, 2001

SENATE BILL

No. 1049

Introduced by Senator Speier

February 23, 2001

An act to add Section 31780.2 to the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 1049, as amended, Speier. County employees' retirement: domestic partners: San Mateo County.

Under the existing County Employees Retirement Law of 1937, death benefits and survivor's allowances are payable to the surviving spouse or children of a deceased member, as specified.

This bill would provide that in San Mateo County, subject to the approval of the board of supervisors, death benefits and survivor's allowances may be payable to a member's surviving domestic partner, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31780.2 is added to the Government
2 Code, to read:

1 31780.2. (a) In a county of the 10th class, as defined in
2 Sections 28020 and 28031, any benefits accorded to a spouse
3 pursuant to this article and Article 11 (commencing with Section
4 31760), Article 15.5 (commencing with Section 31841), Article
5 15.6 (commencing with Section 31855), and Article 16
6 (commencing with Section 31861), or any of them, may be
7 accorded to a domestic partner, as defined in Section 297 of the
8 Family Code, provided that the member and the member's
9 domestic partner have a current Affidavit of Domestic
10 Partnership, in the form adopted by the county board of
11 supervisors, on file with the county for at least one year prior to the
12 member's retirement or death prior to retirement.

13 (b) *In the event a member described in subdivision (a) has a*
14 *surviving dependent child, the surviving dependent child shall*
15 *receive the death and survivor's allowance until age 19 years or*
16 *until married, whichever occurs earlier, or until age 22 years if*
17 *attending an educational institution. When the member's surviving*
18 *dependent child reaches age 19 years or is no longer a dependent,*
19 *whichever occurs earlier, or reaches age 22 years if attending an*
20 *educational institution, then the benefits accorded to a spouse, as*
21 *specified in subdivision (a), may be accorded to a domestic partner*
22 *pursuant to this section. However, if a surviving dependent child*
23 *elects to receive a lump sum payment, the lump sum payment shall*
24 *be shared among any surviving dependent children and the*
25 *domestic partner, pursuant to this section, in a proportional*
26 *manner.*

27 (c) This section shall not be operative unless and until the
28 county board of supervisors, by resolution adopted by a majority
29 vote, makes this section operative in the county.

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